

### **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 8, 9 and 11 remain active in the application subsequent to entry of this Amendment. This Amendment responds to an Official Action of Paper No. 25, a final rejection. It would appear that Paper No. 25 was inadvertently mailed to an address in Washington, D.C. on or about June 17, 2003, returned to Technical Center 1600/2900 on or about July 9, 2003. Subsequent to my discussions with Examiner Barts the Official Action was re-mailed to the undersigned on January 15, 2004 and the response period restarted effective as of January 4, 2004 when the undersigned received a fax copy of the Official Action.

The Official Action cites for the first time and applies an article by Weinstock et al which, as the examiner points out, discloses five separate compounds (see page 3 of the Official Action) which are argued to be relevant to the claims of the present application. Applicants respond to the examiner's observations as follows:

Compound 2-amino-6-fluoro-7-hydroxytetraline hydrochloride is already excluded from claim 8; see proviso (b)  $R=F$ ,  $R_1=OH$ .

Compound 2-amino-6-chloro-7-hydroxytetraline hydrochloride has been excluded from claim 8 by the disclaimer (j)  $R=Cl$ ,  $R_1=OH$ ,  $R_2=H$ .

Compound 2-amino-6-methoxy-7-chlorotetraline hydrochloride has been excluded from claim 8 by the disclaimer (k)  $R=MeOH$ ,  $R_1=Cl$ ,  $R_2=H$ .

Compound 2-amino-6-hydroxy-7-chlorotetraline hydrochloride is already excluded from claim 8; see proviso (g)  $R=OH$ ,  $R_1=halogen$  (including chloro).

Compound 2-amino-6-chloro-7-methoxytetraline hydrochloride has been excluded from claim 8 by the disclaimer (l)  $R=Cl$ ,  $R_1=MeOH$ ,  $R_2=H$ .

Claims 8, 9 and 11 have been rejected as allegedly being anticipated by the Weinstock et al article. This rejection is no longer pertinent considering the amendments made to claim 8 which also render dependent claims 9 and 11 patentable as well.

Claim 10 is separately rejected as being unpatentable/"obvious" over the Weinstock et al article, the examiner directing attention to the compound 2-amino-6-chloro-hydroxytetraline hydrochloride which is now excluded from claim 8 and, by virtue of its dependency, claim 10 as well in the above amendment.

Weinstock et al. describe their compounds as possessing dopaminergic activity. Drugs with dopaminergic activity are used, for instance, in the treatment of Parkinson's Disease (see British National Formulary, 46, September 2003 or any relevant textbook).

In contrast to Weinstock, the compounds of the present invention are active in the treatment of septic shock (an infection) and of inflammatory and/or autoimmune diseases, in which the etiopathogenetic role of inflammatory cytokines is well-established (see page 1 of applicants' specification).

From the above it will be apparent dopaminergic activity and inflammatory cytokines are unrelated.

There is no suggestion in Weinstock et al. that the compounds therein disclosed can be modified and used for a completely different indication.

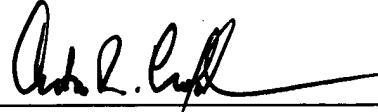
For the above reasons, it is respectfully submitted that the claims of this application define inventive subject matter. Entry of this Amendment and allowance are solicited. Should the examiner have any questions, please contact the undersigned by telephone.

FANTO et al.  
Appl. No. 09/533,381  
March 29, 2004

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Arthur R. Crawford

Reg. No. 25,327

ARC:eaw  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100